

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

WYNDELL GREENE, Individually and	)	
as the surviving spouse of LAKEYSHA	)	
GREENE, and the father of WYNDELL	)	
GREENE, JR. and WESLEIGH GREEN,	)	CIVIL ACTION NO.
ET AL.,	)	
	)	3:10-CV-1085-G
Plaintiffs,	)	
	)	ECF
VS.	)	
	)	
CHARLES MOODY, ET AL.,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION AND ORDER**

This is a wrongful death and personal injury case. Subject matter jurisdiction is premised on diversity of citizenship. Plaintiffs' Original Complaint ¶ 4.

The plaintiffs are alleged to "reside in the district in which the Court is located." *Id.* ¶ 6. The defendant Charles Moody is alleged to reside in Mississippi. *Id.* ¶ 7. The defendant Forest Products Transports, L.L.C. is alleged to be "a Mississippi limited liability company." *Id.* ¶ 8.

This court is required to examine the basis for its subject matter jurisdiction, on its own motion if necessary. *Torres v. Southern Peru Copper Corp.*, 113 F.3d 540, 542 (5th Cir. 1997). Diversity of citizenship jurisdiction requires that the citizenship

of each plaintiff must be different from the citizenship of each defendant. *Strawbridge v. Curtiss*, 3 Cranch 267, 7 U.S. 267 (1806).

Generally, the citizenship of artificial entities other than corporations is determined by the citizenship of their members. See *Carden v. Arkoma Associates*, 494 U.S. 185 (1990). This rule applies to limited liability companies such as the defendant Forest Products Transports, L.L.C. *Harvey v. Grey Wolf Drilling Company*, 542 F.3d 1077, 1079-80 (5th Cir. 2008).

Also, the allegation of residence for the plaintiffs and the defendant Charles Moody is not sufficient as an allegation of citizenship. *Strain v. Harrelson Rubber Co.*, 742 F.2d 888, 889 (5th Cir. 1984) (“an allegation of residency does not satisfy the allegation of citizenship”).

Within ten days of this date, the plaintiffs shall file and serve an amended complaint alleging the *citizenship* of themselves and the defendant Charles Moody and the names and citizenship of all members/owners of the defendant Forest Products Transports, L.L.C. Failure to timely file and serve such an amended complaint will result in dismissal of this case without further notice.

**SO ORDERED.**

June 14, 2010.

  
\_\_\_\_\_  
A. JOE FISH  
Senior United States District Judge